

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 16, 2018**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of May 16, 2018, was called to order by Mayor Nakanishi at 6:35 p.m.

Present: Council Member Chandler, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Absent: Council Member Johnson

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, and International Brotherhood of Electrical Workers Pursuant to Government Code §54957.6 (CM)
- b) Exposure to Litigation: Government Code §54956.9(e)(2); One Case: Potential Suit by Omair Nasim and DN Acquisitions, LLC, against City of Lodi Arising Out of Land Use Denial by Planning Commission (CA)

C-3 Adjourn to Closed Session

At 6:35 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:47 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Nakanishi reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

Item C-2a) was discussion only with no reportable action.

Item C-2b) was pulled from the agenda and not discussed.

A. Call to Order / Roll Call

The Regular City Council meeting of May 16, 2018, was called to order by Mayor Nakanishi at 7:00 p.m.

Present: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Absent: None

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

NOTE: Council Member Johnson participated in the meeting via teleconference.

B. Presentations – None

C. Consent Calendar (Reading; Comments by the Public; Council Action)

Mayor Pro Tempore Mounce made a motion, second by Council Member Kuehne, to approve the following items hereinafter set forth in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$4,753,593.07 (FIN)

Claims were approved in the amount of \$4,753,593.07.

C-2 Approve Minutes (CLK)

The minutes of May 1, 2018 (Shirtsleeve Session) were approved as written.

C-3 Accept Quarterly Report of Purchases Between \$10,000 and \$20,000 (CM)

Accepted Quarterly Report of Purchases between \$10,000 and \$20,000.

C-4 Accept Quarterly Investment Report as Required by City of Lodi Investment Policy (CM)

Accepted Quarterly Investment Report as required by City of Lodi Investment Policy.

C-5 Adopt Resolution Authorizing City Manager to Accept Cash Donation of \$26,567.36 from Lodi Police Partners' Foundation, Designating Disposition of Donated Funds for Purchase of a Vehicle for Lodi Police Partners' Program, and Appropriating Funds (PD)

Adopted Resolution No. 2018-85 authorizing the City Manager to accept cash donation of \$26,567.36 from Lodi Police Partners' Foundation, designating disposition of donated funds for purchase of a vehicle for Lodi Police Partners' Program, and appropriating funds.

C-6 Adopt Resolution Authorizing Motorcycle Trade-In and Replacement Purchase and Appropriating Funds (\$26,848.20) (PD)

Adopted Resolution No. 2018-86 authorizing motorcycle trade-in and replacement purchase and appropriating funds, in the amount of \$26,848.20.

C-7 Accept Improvements Under Contract for Playground Surfacing Improvements (PW)

Accepted improvements under contract for Playground Surfacing Improvements.

C-8 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Contract with Thatcher Company of California, Inc., of Sacramento, for Surface Water Treatment Facility and Well Chemical Supply (\$30,000) (PW)

Adopted Resolution No. 2018-87 authorizing the City Manager to execute Amendment No. 1 to contract with Thatcher Company of California, Inc., of Sacramento, for Surface Water Treatment Facility and Well Chemical Supply, in the amount of \$30,000.

C-9 Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with Quest Media and Supplies, Inc., for Police Department's Video and Surveillance System Installation and Equipment (\$23,995.38) (PD)

Adopted Resolution No. 2018-88 authorizing the City Manager to execute Amendment No. 1 to Professional Services Agreement with Quest Media and Supplies, Inc., for Police Department's video and surveillance system installation and equipment, in the amount of \$23,995.38.

C-10 Adopt Resolution Approving Lodi Improvement Committee Bylaws Amendment to Increase Number of Committee Members (CD)

Adopted Resolution No. 2018-89 approving Lodi Improvement Committee bylaws amendment to increase number of committee members.

C-11 Appoint Jill Hernandez and Patricia Hill to the Lodi Senior Citizens Commission, Elizabeth Mazzeo and Jean Powell to the Greater Lodi Area Youth Commission (Adult Advisors), and Walter Scheffer to the Personnel Board of Review; Post for Vacancy on the Recreation Commission; and Re-Post for Vacancies on the Greater Lodi Area Youth Commission and for Ex-Officio Member of the Lodi Arts Commission (CLK)

Made the following appointments and directed the City Clerk to post for the following vacancies:

APPOINTMENTS:

Lodi Senior Citizens Commission

Jill Hernandez, term to expire December 31, 2021

Patricia Hill, term to expire December 31, 2021

Greater Lodi Area Youth Commission

Elizabeth Mazzeo, term to expire May 31, 2021

Jean Powell, term to expire May 31, 2020

Personnel Board of Review

Walter Scheffer, term to expire January 1, 2021

POSTINGS:

Recreation Commission

Jeff Palmquist, term to expire December 31, 2018

Greater Lodi Area Youth Commission (Student Appointees)

Emma Colarossi, term to expire May 31, 2018

Jack Gobel, term to expire May 31, 2018

Harlie Litton, term to expire May 31, 2018

Evan Seibly, term to expire May 31, 2018

Tasha Shukla, term to expire May 31, 2018

Ashley Delu, term to expire May 31, 2019

Hope Lorentzen, term to expire May 31, 2019

Lodi Arts Commission - Ex-Officio Member

Roger Stafford, term to expire January 1, 2020

C-12 Accept Monthly Protocol Account Report (CLK)

Accepted the Monthly Protocol Account Report.

C-13 Receive Report Regarding Communication Pertaining to Senate Bill 1302 (Lara) – Cannabis: Local Jurisdiction: Prohibitions on Delivery (CLK)

Mayor Pro Tempore Mounce made a comment on this matter, explaining why she supports the item when she previously voted against the City's marijuana ordinance. She strongly believes that ailing individuals should be allowed to receive their medicinal marijuana via delivery, which is why she voted against the ordinance; however, this item relates to legislation that would take local

control away from municipalities to make these types of decisions for their own communities. She stated she supports this item because the State should not tell cities what they can and cannot do.

Received report regarding communication pertaining to Senate Bill 1302 (Lara) - Cannabis: Local Jurisdiction: Prohibitions on Delivery.

C-14 Receive Report Regarding Communication Pertaining to California Public Employees Retirement System Finance and Administration Committee Item 6C (AB 1912) (CLK)

Received report regarding communication pertaining to California Public Employees Retirement System Finance and Administration Committee Item 6C (AB 1912).

C-15 Adopt Resolution Initiating Proceedings for Levy and Collection of Assessments, Resolution Approving Annual Report, and Resolution Declaring Intention to Levy and Collect Assessments for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2018/19; and Set Public Hearing for June 20, 2018 (PW)

Adopted Resolution No. 2018-90 initiating proceedings for levy and collection of assessments, Resolution No. 2018-91 approving Annual Report, and Resolution No. 2018-92 declaring intention to levy and collect assessments for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2018/19; and set public hearing for June 20, 2018.

C-16 Set Public Hearing for June 6, 2018, to Consider Adopting Resolution Authorizing City to Join Statewide Communities Infrastructure Program; Authorizing California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Special Assessment Proceedings and Levy Assessments Within the Territory of the City of Lodi; Approving Form of Acquisition Agreement for Use When Applicable; and Authorizing Related Actions (CM)

Set public hearing for June 6, 2018, to consider adopting resolution authorizing the City to join Statewide Communities Infrastructure Program; authorizing California Statewide Communities Development Authority to accept applications from property owners, conduct special assessment proceedings, and levy assessments within the territory of the City of Lodi; approving form of acquisition agreement for use when applicable; and authorizing related actions.

D. Comments by the Public on Non-Agenda Items THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

None.

E. Comments by the City Council Members on Non-Agenda Items

Council Member Kuehne reported on the San Joaquin Council of Governments (SJCOC) meeting, at which members discussed the maiden train ride from Lodi to Sacramento last Monday and received a presentation by the High Speed Rail Commission on the train line from the Los Angeles area to Madera, Pacheco Pass, Gilroy, and San Jose area. Lodi travelers would need to take Amtrak from Lodi to Madera in order to catch the high speed rail train to get to Los Angeles. SJCOC members also discussed the current ballot initiative SB 69 that would protect gas tax dollars collected through SB 1 from being filtered away from transportation improvements.

Mayor Pro Tempore Mounce stated the League of California Cities worked 10 years to get the transportation bill SB 1 passed and that those monies go toward repairing road conditions, as well as improving deteriorating bridges and highways.

Mayor Nakanishi provided a report on the Eastern San Joaquin Groundwater Authority meeting, stating the 17 water agencies are working to get the Groundwater Sustainability Plan created and approved by 2020 for \$2 million, half of which was paid for through a grant. The City of Lodi's financial commitment was \$11,000.

Council Member Chandler reported that, as part of the Northern California Power Agency, he toured the California Independent Service Operator headquarters in Folsom where a majority of the power comes through and stated its security and cyber-security efforts make the headquarters impenetrable.

Council Member Johnson commented on the many State mandates forced upon local agencies that impact citizens and taxpayers and suggested a grass roots effort to fight back against the State. He stated that, each time a piece of legislation increases rates, the City should include language on the utility bill informing citizens and rate payers of the mandates and how it effects their bill. As this effort continues, perhaps other cities will join in the fight and send a strong message to Sacramento.

F. Comments by the City Manager on Non-Agenda Items

None.

G. Public Hearings

G-1 Continued Public Hearing to Consider Adopting Resolution Authorizing City Manager to Execute Reimbursement Agreement RA-18-01 for Public Improvements Constructed with Lodi Shopping Center (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to consider adopting resolution authorizing the City Manager to execute Reimbursement Agreement RA-18-01 for public improvements constructed with Lodi Shopping Center.

City Manager Schwabauer requested Council continue the public hearing to June 20, 2018, so staff may continue discussions and negotiations with the interested parties in this matter.

Mayor Nakanishi opened the public hearing.

Council Member Kuehne made a motion, second by Mayor Pro Tempore Mounce, to continue public hearing to June 20, 2018 to consider authorizing the City Manager to execute Reimbursement Agreement RA-18-01 for public improvements constructed with Lodi Shopping Center.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: None

Absent: None

G-2 Continued Public Hearing to Consider Appeal of Erik and Staci Jones Regarding Public Works Department's Denial of Encroachment Permit for 3031 Celebration Drive (PW) NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31.

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to consider appeal of Erik and Staci Jones regarding Public Works Department's denial of encroachment permit for 3031 Celebration Drive.

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding the appeal of the Public Works Department's denial of encroachment permit application for 3031 Celebration Drive. Specific topics of discussion included background information on Rose Gate subdivision, driveway modifications/relocations after construction, Sunwest Meadows, and vicinity map; timeline; appeal allegations of defective design and construction, safety concerns for residents and neighbors, loss of home value, harm to vehicle, and assertion that driveway modification is the only remedy; reasons for denial, including developer-requested driveway modifications, preservation of on-street residential parking, pavement preservation, Federal Highway Administration's Manual for Controlling and Reducing the Frequency of Pavement Utility Cuts, and five-year moratorium map; grounds for granting appeal; and findings.

City Attorney Magdich clarified that the allegations listed in the PowerPoint were made by the attorney of Mr. and Mrs. Jones; not the Public Works Department.

In response to Mayor Pro Tempore Mounce, Mr. Swimley stated pavement removal replacement costs roughly \$25 per square foot, but the cost varies on the amount of asphalt and the size of the cut may extend beyond the requested footage. He added that Council's action will be a precedent-setting decision because if the Joneses are allowed, there will be further requests. Mayor Pro Tempore Mounce stated she is taking into consideration the amount of time and money this issue has cost City staff and the attorney versus the cost to replace the pavement, adding there should be another fix for these types of conflicts.

Following a few more questions and comments, Ms. Magdich pointed out the public hearing has not yet opened and suggested discussion wait until all public testimony has been received.

Mayor Nakanishi opened the public hearing for public comment.

Kevin Hughey with the Hughey Law Group, representing appellants Erik and Staci Jones, referred to his Blue Sheet letter (filed) in response to the Public Works Department's recommended action in the staff report and suggested that, in the event Council rejects the appeal, the Joneses be allowed to apply for a variance because they meet the requirements. He further pointed out the Joneses are not asking for an 8-foot encroachment and would accept a 3- to 4-foot encroachment so they no longer have to drive over the curb and sidewalk to get to the parking bay. Mr. Hughey discussed points relating to the integrity of curb cuts, excuses or mistakes by either FCB Homes or City of Lodi, homeowners' choice of how to utilize the garage bays in their home, no record of nearby neighbors commenting on pros/cons of the driveways and garage bays, safety issues and City on notice of the traffic and safety concerns, no precedent if Council grants the appeal, no on-street parking issue on the street, no evidence relating to driveways in the Sunwest development, the signed purchasing agreements and acknowledgements not a criteria for approval or denial of the appeal and not a defense for the City, and amendment to the Lodi Municipal Code relating to encroachments and when those discussions began is not determinative to this matter. He stated he hopes Council grants the appeal but expects it will not happen, which will result in the matter proceeding to court. He reiterated that a 3- to 4-foot encroachment would be satisfactory.

Staci Jones stated she and her husband bought the property for the three-car garage and pointed out other residences near them have garages that are tilted with two bays for parking, but theirs is not set up that way.

Erik Jones stated their previous vehicle, a Chevrolet Tahoe, did not fit in the garage bay, despite staff's contention that a car of that size would fit, and they downsized their vehicle, which still does not fit in the bay.

There being no further public comments, Mayor Nakanishi closed the public hearing.

Mayor Pro Tempore Mounce stated she supports granting the appeal based on the facts that the appellants may or may not have understood the parameters of the driveway when they purchased the home, that families' needs change and a home should be livable, that a 4-foot encroachment will unlikely cause any significant damage, that this will not be a precedent-setting decision, and that all requirements in the Lodi Municipal Code section were not met that would necessitate denying the appeal.

Mayor Nakanishi stated he too would support granting the appeal, adding staff did a good job on this matter but he believed citizens should be allowed to modify and improve their homes if it is not against codes and that the subdivision is a wonderful, safe place.

City Manager Schwabauer pointed out the appellant's permit requests a 15-foot encroachment, not 3 to 4 feet; therefore, if Council chooses to uphold the appeal, it should be specific in the footage if it is anything other than the originally requested 15 feet. Ms. Magdich clarified that the March 3, 2017 encroachment permit requested replacement of 15 feet of gutter for a driveway approach and the October 10, 2017 encroachment permit requested removal and relocation of 15 lineal feet of driveway.

Mr. Hughey confirmed that a 4-foot extension would be satisfactory to the appellants.

Council Member Kuehne expressed his disappointment in the amount of time this conflict has taken and over some of the allegations brought forth by the appellants, as well as the threat to take this matter to court. Despite his desire to deny the appeal, he stated he would support granting the appeal for 3 feet in order to resolve the matter.

Council Member Chandler stated he believes it is the home purchasers' responsibility to understand their needs and purchase a home that meets those needs and not sign documents that they later regret when they decide they want something more or bigger.

Council Member Kuehne made a motion, second by Mayor Pro Tempore Mounce, to adopt Resolution No. 2018-93 granting the appeal of Erik and Staci Jones regarding the Public Works Department's denial of encroachment permit for 3031 Celebration Drive and authorizing them to widen the driveway approach up to 3 lineal feet following submittal of an encroachment permit application, compliance with the Lodi Municipal Code, City policies and regulations, and payment of fees, as may be applicable.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: Council Member Chandler, and Council Member Johnson

Absent: None

RECESS

At 8:33 p.m., Mayor Nakanishi called for a recess, and the City Council meeting reconvened at 8:40 p.m.

G-3 Public Hearing to Consider Appeal of Omair Nasim / DN Acquisitions, LLC, for Reconsideration of Planning Commission Project Denial, 141 East Harney Lane (CD)
NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31.

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the public hearing to consider appeal of Omair Nasim / DN Acquisitions, LLC, for reconsideration of Planning Commission project denial, 141 East Harney Lane.

City Planner Craig Hoffman provided a PowerPoint presentation regarding the construction of a

six-dispenser gas station with convenience store and car wash, at 141 East Harney Lane. Specific topics of discussion included vicinity map, parcel map, site maps, and proposed building.

Mr. Hoffman and City Manager Schwabauer explained that this issue involves a shared driveway easement created by the previous owner for the properties on the north and south allowing them to share the ingress and egress into the driveway. The area is zoned Industrial; the gas station is an allowed use for the designation, as are the surrounding businesses; and the Montessori School was approved in 1998 and is a legal, non-conforming use in the area. Mr. Hoffman stated the Site Plan and Architectural Review Committee recommended the matter go before the Planning Commission, and at the hearing, staff and the project applicants negotiated a site plan with a separated driveway feature, after which the applicant's fuel provider indicated it was too close to the intersection which is prompting the requested change.

Council Member Kuehne suggested the driveway could be widened enough to allow three vehicles: one to turn into the school, one to turn into the gas station, and one as an exit only right turn; although, he acknowledged that could create a problem with drivers cutting through the school parking lot in order to make a left-turn exit. He further questioned if the City could put restrictions on the driveway requiring fuel trucks to come in and out during non-peak times for the school.

City Attorney Magdich recommended Council receive testimony from all parties before suggesting changes or conditions.

Mayor Nakanishi opened the public hearing for public comment.

Diane Kindermann with Abbott & Kindermann, Inc., representing the appellant, Omair Nasim, referenced her Blue Sheet letter (filed) outlining her client's position. She stated she agrees with staff's report on the procedural history of the matter and the substantive facts; she underscored that the key issue is the elimination of the condition of approval added to the project during the Planning Commission hearing that negatively effects how fuel trucks enter and exit the facility; and she pointed out the project was originally analyzed by the City and recommended for approval without the condition because it was determined there were no significant impacts to the area. She requested Council approve the appeal.

Brett Jolley with Shore, McKinley, Conger & Jolley, LLP, representing the Ergonis family, Ergonis Land Company, and the Montessori School, distributed a letter and petition (filed) in opposition, pointing out this request is a modification to an existing plan that was approved by the Planning Commission because all of the parties agreed to the condition to address the traffic and safety concerns. He stated the issue is not the use of the easement; rather, it is that the high-traffic project will cause significant traffic, safety, and health impacts for the school as drivers will likely cut through the school parking lot to access the exit, which creates a safety hazard and puts children at risk. He requested Council deny the request, let the project move forward as originally approved, and put the onus on the applicant to find a solution to the fuel supplier issue.

Mike Tener, parent of two Montessori School students, expressed concern about the gas station project, based on the high traffic levels it will generate, the safety hazard of strangers coming and going through the school parking lot, and the liability issues the project will create. He urged Council to deny the request.

In response to Council Member questions, Mr. Hoffman stated the Planning Commission approved the driveway feature and access to the property in 2002 and it is the applicant's legal access to the parcel.

Council Member Johnson stated that, although he is a strong supporter of property rights, he does believe that changes in the area over the last 16 years may be a valid reason to deny the request.

Mayor Pro Tempore Mounce stated that traffic has increased significantly in the area since 2002 as a result of the developments and overpass built in the area and that this project will create a

traffic hazard; therefore, she believed this was no longer a property rights and legal access issue.

Council Member Kuehne expressed concern about the liability this project creates, stating he does not disagree with the applicant's legal right to access, but he is concerned about the safety hazard the project creates for the school. He stated the previously-adopted plan with the ingress and egress south of the easement seems to be acceptable.

Mayor Nakanishi questioned whether the applicant is willing to accept the previously-approved agreement or negotiate another deal.

Ms. Kindermann pointed out traffic engineers analyzed the project and determined there were no significant impacts, but the school has not retained a traffic engineer to analyze whether or not its concerns are a significant impact; therefore, she stated it was speculative to assume gas station patrons would cut across the school parking lot and create a safety hazard.

Mr. Schwabauer suggested the public hearing be continued to allow staff and the two project proponents to meet and negotiate a solution.

Council Member Kuehne made a motion, second by Mayor Pro Tempore Mounce, to continue the public hearing to June 6, 2018, to consider appeal of Omair Nasim / DN Acquisitions, LLC, for reconsideration of Planning Commission project denial, 141 East Harney Lane.

NOTE: Subsequently, the City was notified that the appellant, Omair Nasim, was unavailable on June 6; therefore, the hearing was continued to **June 20, 2018**, of which Council was notified on May 17, 2018 (filed).

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, Mayor Pro Tempore Mounce, and Mayor Nakanishi

Noes: None

Absent: None

H. Regular Calendar

H-1 Introduce Ordinance Amending Lodi Municipal Code Title 5 – Permits and Regulations, Chapter 5.12, “Cardrooms,” by Repealing and Re-enacting Section 5.12.140(F), “Rules and Regulations,” to Increase Hours of Operation from 20 to 24 Hours per Day (CA)

City Attorney Magdich provided a presentation regarding the ordinance repealing and re-enacting Lodi Municipal Code section 5.12.140(F) relating to rules and regulations of cardrooms. Specific topics of discussion included current hours of operation, SB 654 effective January 1, 2018 allowing cardrooms to operate 24 hours with local approval, owner of Parkwest Casino requesting change to ordinance allowing new hours, and approval of draft ordinance by the Attorney General.

Council Member Kuehne stated he supports the request based on the clean record of the casino and its positive partnership with the City.

Ms. Magdich added that both the Police Department and the Community Development Department have no objections to changing the hours of operation to 24 hours.

Mayor Pro Tempore Mounce stated she would not support the request based on the fact that the applicant promised in 2007 when this issue first came forward that it would not ask for changes to the ordinance; however, the applicant has subsequently requested changes relating to the collection of money, extension of hours, and now this additional request to remain open longer.

Council Member Johnson stated he would support the request because it was prompted by an amendment in State law that now allows them to do something they previously could not and

because the casino has been a stellar business in Lodi.

Ms. Magdich confirmed that the request is a result of changes in State law and pointed out that, if approved, the applicant must also amend the Use Permit.

Mayor Nakanishi stated he supports the request.

Chris Ray, owner of Parkwest Casino, agreed that the business has a clean record in relation to criminal activity and requests for Police assistance and pointed out that the one anomaly occurred during hours that the casino was closed. With regard to Mayor Pro Tempore Mounce's earlier comment, Mr. Ray stated he does not recall what he told her 12 years ago.

Council Member Kuehne made a motion, second by Council Member Chandler, to introduce Ordinance No. 1952 amending Lodi Municipal Code Title 5 - Permits and Regulations, Chapter 5.12, "Cardrooms," by repealing and re-enacting Section 5.12.140(F), "Rules and Regulations," to increase hours of operation from 20 to 24 hours per day.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Nakanishi

Noes: Mayor Pro Tempore Mounce

Absent: None

I. Ordinances – None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:46 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk